AGREEMENT BETWEEN THE

FEDERAL BUREAU OF INVESTIGATION

AND THE UNITED STATES SECRET SERVICE

CONCERNING PROTECTIVE RESPONSIBILITIES

D.2

I. Purpose of Agreement

The Federal Bureau of Investigation (FBI) originates and receives from other sources, large numbers of reports on individuals and organizations. One purpose of this agreement is to define that portion of the information on file with, or received or originated by, the FBI, which the United States Secret Service (USSS) desires to receive in connection with its protective responsibilities.

The USSS has statutory authority to protect, or to engage in certain activities to protect, the President and certain other persons. (Certain other persons, as used in this agreement, refers to those persons protected by the Secret Service under Title 18, U. S. Code, Section 3056.) The authority of the USSS to protect the President or certain other persons is construed to authorize it to investigate organizations or individuals and to interview individuals who might constitute a threat to the President or certain

LIMITED OFFICIAL USE

Doc #9

other persons. The FBI has statutory authority to investigate assault, killing or kidnaping and attempts or conspiracies to kill or kidnap the President and other designated individuals.

The FBI will make available to the USSS information it may request or information which by its nature reveals a definite or possible threat to the safety of the President and certain other persons.

A second purpose of this agreement is to insure the most effective protection for the President and certain other persons by establishing a clear division of responsibility between the FBI and the USSS. Such division will also avoid compromising investigations or sources and needless duplication of effort.

II. General Responsibilities

The USSS is charged by Title 18, U. S. Code, Section 3056, with the responsibility of protecting the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer in the order of succession to the office of President, and the Vice President-elect; protecting the person of a former President and his wife during his

lifetime and the person of a widow of a former President until her death or remarriage, and minor children of a former President until they reach 16 years of age, unless such protection is declined; protecting persons who are determined from time to time by the Secretary of the Treasury, after consultation with the Advisory Committee, as being major Presidential and Vice Presidential candidates who should receive such protection (unless the candidate has declined such protection); protecting the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad (unless such persons decline protection).

The Executive Protective Service, under the control of the Director, USSS, is charged by Title 3, U. S. Code, Section 202, with protection of the Executive Mansion and grounds in the District of Columbia; any building in which Presidential offices are located; foreign diplomatic missions located in the metropolitan area of the District of Columbia; and foreign diplomatic missions located in such other areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

The FBI is charged under Title 18, U. S. Code, Section 1751, with investigative jurisdiction over the assault, killing or kidnaping, and attempts or conspiracies to assault, kill or kidnap the President of the United States and other designated individuals.

The FBI has responsibility for Federal investigations of all violations of Title 18, U. S. Code, Sections 112, 970, 1116-1117 and 1201, relating to the "Act for the Protection of Foreign Officials and Official Guests in the United States."

The FBI has investigative jurisdiction over violations of a wide range of the criminal statutes of the United States including primary jurisdiction over matters affecting the internal security of the United States.

III. Exchange of Information and Coordination of Responsibilities

The USSS undertakes to identify individuals or groups who because of their propensities or characteristics, may be dangerous to the President of the United States and certain other persons. To assist the USSS in identifying such individuals and groups the FBI agrees to furnish to the USSS, information (other than public source information or information originating with other U. S. agencies) from its files or which may come to its attention which by its

nature reveals a danger or possible danger to the President or certain other persons, or which can be construed as falling within the categories of information desired by the USSS as set forth in Section IV of this agreement.

The FBI will inform the USSS of the identity of individuals or organizations who come to the attention of the FBI as knowingly and willfully advocating, abetting, advising, or teaching the duty, necessity, or propriety of overthrowing or destroying the Government of the United States, or the Government of any state, territory, or possession, or political subdivision therein, by force or violence, or by the assassination of any officer of any such government. The FBI will furnish the USSS with reports on such individuals or organizations as requested. During investigation by the FBI of such individuals or organizations, the FBI will be alert and promptly notify the USSS of any information indicating a possible plot against the person of the President and certain other persons.

The USSS agrees that it will conduct no investigation of individuals or groups identified or suspected of being threats to the internal security of the United States without notifying the FBI. However, when time for consultation is not available, and an indication of immediate danger

exists, the USSS may take such action as is necessary with respect to carrying out its protective responsibilities. Any information obtained by the USSS during such action will be furnished to the FBI as expeditiously as possible.

The FBI will not conduct investigation of individuals or groups solely for the purpose of establishing whether they constitute a threat to the safety of the President and certain other persons unless there is an indication of a violation of Title 18, U. S. Code, Section 1751, or other statute over which the FBI has jurisdiction.

not change

It will be the responsibility of the FBI to advise the USSS when investigation is being initiated under Title 18, U. S. Code, Section 1751 and thereafter to furnish the USSS with copies of the FBI investigative reports as they are prepared. It will be the responsibility of the USSS to furnish the FBI any information in its possession or which may come to its attention which reasonably indicates that a violation of Title 18, U. S. Code, Section 1751, has been or is being committed.

The USSS also agrees to furnish the FBI any information in its possession or which may come to its attention indicating a violation of any other statutes over which the FBI has investigative jurisdiction.

The FBI, under its responsibility for investigation of violations of Title 18, U. S. Code, Sections 112, 970, 1116-1117, 1201 and 1751 will take cognizance of the protective responsibilities of the Treasury Department under Title 3, U. S. Code, Section 202 and Title 18, U. S. Code, Section 3056 and thus does not limit or interfere with the authority of the Secretary of the Treasury in the discharge of his statutory protective responsibilities. This is not to be construed as vesting concurrent investigative jurisdiction with the Treasury Department with respect to investigations of individuals or organizations engaged in activities affecting the national security including terrorism, treason, sabotage, espionage, counter-espionage, rebellion or insurrection, sedition, seditious conspiracy, neutrality matters, Foreign Agents Registration Act, or any other statute or Executive Order relating to national security. Any investigations of such groups or individuals for any reasons other than in connection with protective responsibilities must be closely coordinated with and have the concurrence of the FBI in order to minimize interference with national security responsibilities of the FBI.

IV. Information to be Furnished to the United States Secret Service by the Federal Bureau of Investigation

A. When an individual or group is referred by the FBI to the USSS, the following information will be furnished to the extent available:

Individual - Identification data including name or names, addresses, photograph (or statement as to availability of such), physical description, date and place of birth, employment, and marital status.

Organization - Name or names, address or addresses, officers, size, purpose or goals of organization, source of financial support, background data and such other relevant information as may be available.

Reason for Referral - Statement of the class or classes of information described in Section IV B under which the individual or organization belongs.

Information in FBI Files - A summary, as appropriate, of pertinent portions of any FBI file on an individual or organization referred.

FBI Identification Records - The USSS will make specific requests in each instance where a check of the FBI identification records is desired.

B. Types of information to be referred:

1. Information concerning attempts, threats, or conspiracies to injure, kill, or kidnap persons protected by the USSS or other U. S. or foreign officials in the U. S. or abroad.

2. Information concerning attempts or threats to redress a grievance against any public official by other than legal means, or attempts personally to contact such officials for that purpose.

3. Information concerning threatening, irrational, or ~~abusive~~ written or oral statements about U. S. Government or foreign officials.

4. Information concerning civil disturbances, anti-U. S. demonstrations or incidents or demonstrations against foreign diplomatic establishments.

5. Information concerning illegal bombings or bomb-making; concealment of caches of firearms, explosives, or other implements of war; or other terrorist activity.

6. Information concerning persons who defect or indicate a desire to defect from the United States and who demonstrate one or more of the following characteristics:

a. Irrational or suicidal behavior or other emotional instability.

b. Strong or violent anti-U. S. sentiment.

c. A propensity toward violence.

7. Information concerning persons who may be considered potentially dangerous to individuals protected by the USSS because of their background or activities, including evidence of emotional instability or participation in groups engaging in activities inimical to the United States.

V. Provision of Federal Bureau of Investigation Personnel to Protect the President and Other Protected Persons

The USSS may, in accordance with Title 18, U. S. Code, Section 3056 request FBI Agents be detailed to the USSS in order to augment the capacity of the USSS to perform its protective duties. Such requests should be addressed to the Director of the FBI.

FBI Agents detailed to the USSS are under the direction and exclusive operational control of the Director of the USSS for the period of their assignment. The FBI Agents so detailed may perform an armed or other protective function.

VI. Implementation of Agreement

In order to effect the best possible security of the President and certain other persons and places whose protection is the responsibility of the USSS, the FBI and the USSS will construe the terms of this agreement liberally and will take such steps as are necessary to insure the proper exchange and coordination of information.

The agreement shall be reviewed annually by representatives of the FBI and the USSS, or at such other times as the FBI or the USSS may request, to insure that the agreement is both practical and productive. Revisions may be made on the authority of the Director of the FBI and the Director of the USSS.

This agreement supersedes all prior agreements between the FBI and the USSS.

7-16-73 BY Clarence M. Kelley
Date Director
Federal Bureau of Investigation

7/30/73 BY James J. Rowley
Date Director
United States Secret Service